

MEETING HELD AT PRIVATE SESSION OF THE
NEWARK HUMAN RIGHTS COMMISSION ON
JULY 9, 1963

Present:

Commissioner Herbert Tate, Acting Chairman

Commissioners:

Ashby, Ma. M.
Cahill, John F.
Cavischia, Paul G.
Epstein, Benjamin
Foley, Richard J.
Hohann, Leonard L.

Kaye, Dr. Maxwell
Maris, Lt. J. H.
Pitts, Louis S.
Tompkins, Lucian H.
York, Dr. Jack

Consultants:

Peter Yablonsky
Thomas Coxson

Staff of NHRC:

Daniel S. Anthony
Ralph Egan
John T. Barnes

Marie Connalen
Robert Phillips

The Newark Human Rights Commission met in private session on July 9, 1963, after holding public meeting to determine if alleged employment discrimination among the building trades unions and the contractors did exist at the new Barringer High School construction site in Newark, N. J.

Commissioner Benjamin Epstein at the outset of the private session suggested the possibility of recommending to the Mayor the suspension of charges against the two men arrested for disorderly conduct at the Barringer construction site, since the charges were minimal and minor.

Commissioner Tompkins asked Acting Chairman Tate if the suggestion were a legal matter and Commissioner Tate said that it was.

Commissioner Kaye commented that recommending suspension of the charges was an excellent idea since it would "take a couple of them out of the hides of sensitive skins".

Commissioner John Marks, Lieutenant in the Newark Police Department, stated they have to take action when violence erupts.

Commissioner Tate, ~~Chairman of the Commission~~, said that he wouldn't attempt to improve upon Mr. Epstein's suggestion, although he didn't think the Commission should pressure the Courts in any way. He also added "I think we are in a position to recommend that the Magistrate adjourn the case to consider all the facts of the incident".

The suggestion was amended by the Commission to incorporate Acting Chairman Tate's suggestion in the following motion, which was made by Mr. Epstein, seconded by Dr. York, amended by Mr. Tate and unanimously adopted:

The Commission recommended that aroused community feelings resulting from the arrest of two pickets at the Barringer construction site on July 3, 1963 could be reduced considerably if this hearing on disorderly conduct could be postponed by the Magistrate in charge, until further consultation with the Newark Human Rights Commission.

It was the feeling of all commissioners that an adjournment in this case may be in the interest of appeasing some of the mounting tension in our City.

After discussion, it was decided that the above motion be submitted to the Mayor immediately.

Acting Chairman Tate stated the purpose of the private session, which was to re-evaluate the findings submitted by the Newark Human Rights Commission and the statements given at the public hearing immediately prior to the private session.

Commissioner Tompkins stated the purpose of the meeting was as follows:

"The question then is, is there discrimination at the new Barringer High School construction site?"

Mr. Peter Yablonsky, a labor consultant appointed by Mayor Aldonizio with regard to this special issue, asked: "What in the opinion of the Commission constitutes discrimination?"

Acting Chairman Tate then stated that he had attempted to outline that to Mr. Yablonsky at the public session, citing New Jersey State Statutes.

Mr. Yablonsky stated "that the unions acted in accordance with collective bargaining procedure as cited under Federal law and did not discriminate with the avowed purpose of shutting out minority groups from employment possibilities".

Mr. Tate replied that "the Commission was asked to evaluate the employment practices at the new Barringer construction site according to facts and findings presented to the Commission". He continued, "We are not saying this is a Negro problem alone. The question tonight is whether Negro, Puerto Rican and other minorities are discriminated against".

Mr. Yablonsky: We must see how these men receive their employment. He can't just take a nose count.

Mr. Epstein: If nobody in the Union is Negro, how come?

Mr. Yablonsky: Are we evaluating discrimination, or what is the law?

Mr. Tate: Unlawful employment is set forth in the statutes (citing New Jersey Statutes relating to Public Works Projects).

Mr. Yablonsky: Our union are operating under Federal statute. There is a right for the unions to complain to the NLRB.

Mr. Tate: This Commission is concerned with the Vennari Company and the sub-contractors. We don't know if in their hiring, they discriminate. How do they arrive at assembling their work force?

Mr. Yablonsky: We are bound by due process.....

Mr. Ashby: What would you call discrimination, Mr. Yablonsky?

Mr. Yablonsky: I guide the operation of the union in accordance with the existing laws -- if hiring were done properly or improperly.

Mr. Tate: Mr. Yablonsky is giving us the position of the labor field. I think it is very helpful -- he is giving us the viewpoint of the labor field.

Mr. Yablonsky: The labor unions are working under collective agreements with the contractors.

Mr. Tompkins: What is a collective agreement?

Mr. Yablonsky: In the building trades there is a voluntary federation. It embodies working conditions, hiring practices, fringe benefits, etc. The union is bound to initiate hiring practices which are permitted by Federal legislation. Unions establish minimum standards which uphold our end; we expect the contractor to uphold their end. The hiring hall is run by a joint committee -- contractor and union. If a non-union man comes in, we must accept him.

Mr. Epstein: The Negro community in Newark is concerned by the fact that a handful of Negro workers are employed at a public project. A group of Negroes picketed the place to say this is wrong. This creates conflict between the picketers and the union.

Mr. Yablonsky: You are over-simplifying. The Negro is entitled to no more and no less than anyone else.

Mr. Tate: We are discussing facts obtained from the unions.

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Mr. Yablonsky: Somewhere along the line we were told that everyone is allowed an equal opportunity. We must get all the facts. There has been a breach of the peace which resulted in mob violence.

Mr. Ashby: A union would do the same thing to a non-union employer.

Mr. Tate: Let us get back to what the Newark Human Rights Commission must solve. Something has happened. A substantial segment of our community is disturbed. Because of this fact and in spite of the fact that the laws say it is O.K., what can be done to improve employment practices? Is there a union that will say 'If you can present me with a competent qualified worker, I will put him to work tomorrow?' This doesn't mean firing a soul. If something is not done, we will have a serious problem in this city.

Mr. Yablonsky: If there were full employment, I would say yes.

Mr. Tate: This building is fully employed. That means there are enough workers to complete the job at a profit to the contractor.

At this point, Mr. Anthony suggested that Mr. Yablonsky serve as a resource person rather than a participant in the Commission's decision.

Mr. Tate then addressed Mr. Conson, the other labor consultant present.

Mr. Tate: What do you recommend in the light of the facts of Barringer High School? Would you say there is discrimination?

Mr. Conson: Yes, I would definitely say there is discrimination. Through experience, I have asked about getting into the apprentice programs of the craft organizations. From those areas and association in the labor movement, I would say discrimination exists.

Mr. Tate: Do you think that heads of these unions would voluntarily say 'yes; in view of the present atmosphere, we will accept qualified Negroes'?

Mr. Conson: An individual in charge of the union has a responsibility but if he comes up through the ranks, he may not face the problem.

Mr. Tate: Do these men have control over their labor market?

Mr. Conson: He may not be elected again.

Mr. Tate: Who determines who goes on the job?

Mr. Yablonsky: It is a matter of a pre-hiring agreement. At Barringer, the employer can hire a Negro if he gets an agreement to do so. The employer determines the number to be hired on the job.

Mr. Tate: The role of this Commission is to attempt to alleviate discriminatory hiring conditions at the Barringer High School site.

Mr. Marks: The Barringer High School case parallels the Philadelphia construction problem. Are there any precedents on which to act?

Mr. Tate: Do the Commissioners feel they have enough information to move into the next phase -- to decide whether or not there is discrimination.

Mr. Tompkins: On the basis of the investigation, I feel there is sufficient proof to prove discrimination.

Mr. Epstein: Herb Tate has offered a modus for meeting the situation. The fact still remains that until we develop a real going program, some steps must be taken. I recommend that there be a meeting with union heads to discuss the question of voluntary employment to remove tension in the community.

Mr. Tate: Do you suggest that we get a responsible person like our Mayor to meet with union heads to discuss this problem based on our findings tonight?

Mr. Yablonsky: It can also be possible to put apprentices on the Barringer job right now.

Mr. Hayes: Your suggestions are admirable but we have an immediate problem.

Mr. Tate: I am going to entertain a motion, either pro or con, as to whether or not discrimination has been practiced at the Barringer High School site.

Mr. Epstein: There is a deplorable dearth of nonwhite workers at the Barringer construction site.

Mr. Marks: At what percentage do we cease to have discrimination?

Mr. Epstein: I am concerned with opening up the doors and forcing the hand of the unions and correcting the situation.

Mr. Tompkins: Should we vote individually on this and say if discrimination does exist? I believe it does.

Mr. Tate: There is a need to determine probable cause for discriminatory action.

Mr. Foley: I am in full sympathy with Mr. Epstein that there may be discrimination at the Barringer High School site.

Mr. Cahill then suggested that a statement be immediately drafted to report the Commission's findings to the Mayor. A joint statement was then drafted and after intensive discussion, the motion which is attached hereto and made a part of these minutes was unanimously approved.

by all the persons present at this private session.

The meeting was adjourned at 2:30 A. M. on July 10, 1963.

Respectfully submitted,

Ralph Eism
Assistant Director, NHRAC

TO: MAYOR HUGH J. ADDONIZIO

July 10, 1963

The Newark Human Rights Commission, after lengthy consideration of facts as presented to it by its staff with respect to the employment practices at the construction site at the new Barringer High School; and after evaluating statements presented to it by responsible organizations and labor consultants at a hearing held on July 9, 1963 in Room B-21, City Hall; concludes that there is evidence of a pattern of discrimination among certain contractors and within the building trades which tends to show that certain local unions covering the skilled trades have followed customs and practices which have inevitably resulted in the exclusion of non-whites from the particular trades.

This Commission finds that there exists probable cause of discriminatory practices in the employment at the new Barringer High School site and therefore recommends to the Mayor, in answer to his request of July 1, 1963, that he meet immediately with those responsible for the employment of workmen on this project with the view in mind of correcting the situation so that existing racial tensions in our community may be resolved.

Newark Human Rights Commission

By Marjaret Tate
Acting Chairman